Remarks

I. Introduction

This is in response to the Office Action dated September 21, 2005. The Office Action rejected claims 1-8, 10-20, and 22-24 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,787,253 to McCreery et al. (McCreery) in view of U.S. Patent No. 6,748,431 to Fleig et al. (Fleig).

Claims 1 and 13 have been amended. Claims 9 and 21 have previously been canceled. Claims 1-8, 10-20, and 22-24 remain for consideration.

II. Rejections under 35 U.S.C. §103

Claims 1-8, 10-20, and 22-24 were rejected under 35 U.S.C. §103(a) as being unpatentable over McCreery in view of Fleig. Neither of the cited references, either alone or in combination, disclose Applicant's invention.

The present invention is generally directed to a method and system for monitoring traffic in a network. A network interface has a run-time system, or first module, and one or more programmable processing modules executing on the network interface. The run-time system module feeds information derived from a network packet to the processing modules which process the information and generate output, such as condensed statistics, about the packets traveling through the network. The same processing module may be used and reused, with different parameters passed to the module.

McCreery is directed to an internet activity analyzer that includes a network interface controller, a packet capturing module, a packet analysis module, and a data management module. The network interface controller is connected to a transmission medium for a network segment and is arranged to receive the stream of data packets passing along the medium. (Abstract). The packet analysis section receives the buffered packet data and decodes certain information in the packets to provide information such as the sources and destinations of the packets. (Col. 4, lines 63-66). The internet activity analyzer

includes a central processing unit (CPU) and an input device. The CPU provides signals for processing the packets based on user input. (Col. 7, lines 7-15).

Fleig is directed to systems and methods for monitoring exchanges between a client and a server across a network. More specifically, Fleig relates to systems and methods that "read a network monitor trace and rebuild the requests and responses to make the exchanges easily readable to a user by rebuilding entire requests and responses, coalescing chunked information, collecting interleaved packets, reformatting XML bodies if present, and optionally removing any HTML bodies from the requests and responses." (Col. 2, lines 11-21).

Independent claim 1 is directed to a method for monitoring traffic in a network. Claim 1 contains the limitation of:

> wherein the first module passes parameters to the at least one programmable processing module, thereby changing the processing performed by the at least one programmable processing module.

As the Office Action admits, McCreery does not disclose that a first module can pass parameters to a programmable processing module in order to change the processing performed by the programmable processing module. The Office Action relies on Fleig as disclosing this limitation.

Fleig, however, does not disclose that a first module can pass parameters to a programmable processing module in order to change the processing performed by the programmable processing module. Fleig discloses gathering packets into a network monitor trace, identifying the source and destination of each packet, and distributing the packets to variable locations for storage. Col. 6, lines 35-42.

The Office Action states that the claim limitation of a first module being able to pass parameters to a programmable processing module in order to change the processing performed by the programmable processing module is

shown by Fleig in col. 3, lines 62-67 and col. 4, lines 1-10. These passages state that program modules executed by Fleig's computers "include routines, programs, objects, components, data structures, etc. that perform particular tasks or implement particular abstract data types. Computer-executable instructions, associated data structures, and program modules represent examples of the program code means for executing steps" of Fleig's methods. Fleig does not, however, disclose passing parameters to a programmable processing module in order to change the processing performed by the programmable processing module, as claimed in claim 1. The cited passages only disclose that Fleig's computers execute programs, routines, objects, etc.

Similar to claim 1, amended independent claim 13 contains the limitation of:

> wherein the first module passes parameters to the at least one programmable processing module, thereby changing the processing performed by the at least one programmable processing module.

As described above, neither McCreery nor Fleig, alone or in combination, disclose the limitations of independent claim 13.

For these reasons, independent claims 1 and 13 are allowable over the cited art. Allowance of these independent claims is requested.

The remaining claims are dependent upon an allowable independent claim and are therefore also allowable. In addition, the dependent claims add additional patentable subject matter and are also allowable for the reasons discussed below.

Dependent claims 3 and 15 contain the limitation that the at least one programmable processing module is generated from a processing query expressed in a high-level language. The Office Action states that McCreary discloses the limitations of claims 3 and 15 in col. 7, lines 16-26. In particular, McCreary discloses, in col. 7, lines 16-26, that the "internet activity analyzer 300

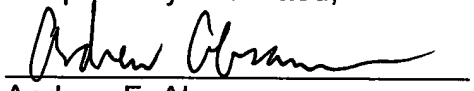
preferably uses a conventional operating system such as MacOS but the artisan will recognize that a variety of alternative operating systems may be implemented such as Windows or UNIX." McCreary does not, however, disclose a processing query that is expressed in a high-level language being used to generate a programmable processing module. Therefore, dependent claims 3 and 15 are allowable.

Dependent claims 10 and 22 contain the limitation that the first module can instantiate new processing modules dynamically. The Office Action states that McCreary discloses this limitation with a data indexing and stripping module that manipulates data sets. (Col. 12, lines 60-62). McCreary does not, however, disclose instantiating new processing modules. Therefore, dependent claims 10 and 22 are allowable.

III. Conclusion

For the reasons discussed above, all pending claims are allowable over the cited art. Reconsideration and allowance of all claims is respectfully requested.

Respectfully submitted,



Andrew F. Abramson
Reg. No. 52,538
Attorney for Applicant
Tel.: 973-533-1616

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AT&T Corp
Room 2A-207
One AT&T Way
Bedminster, NJ 07921